## EXHIBIT C



- 1. ED&F Man produced 80 Tax Vouchers as particularised in Schedule 1 (64 Tax Vouchers) and Schedule 2 (16 Tax Vouchers) to this Annex E (the Annex E Tax Vouchers).
- 2. The information in the Annex E Tax Vouchers was inaccurate in that the PP identified therein:
  - 2.1. had not "received" the amount set out therein by way of dividend from the Danish Listed

    Company; and
  - 2.2. had not "suffered" WHT in the amount set out therein in relation to such dividend at the stated (27%) or any rate.
- 3. Insofar as SKAT accepted or paid WHT reclaims in the sum of DKK183,902,400 or any sum in relation to the Relevant WHT Applications which included the Annex E Tax Vouchers, SKAT's own negligence was the real and substantial cause of such payments and/or eclipsed any causative effect of ED&F Man's negligence in relation to the Annex E Tax Vouchers (if proven). Paragraphs 40 and 41 of the Amended Defence are repeated.

## Annex E: Schedule 1 – incorrect Tax Vouchers

<u>A</u>	B	<u>C</u>	D	E	<u>F</u>	G	H
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)
1.	505	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	500,000 Coloplast A/S – B	06/12/2013	945,000.00	=	945,000
2.	535	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	7,850,000 Novozymes A/S - B	27/02/2014	5,298,750.00	=	5,298,750
3.	606	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	24,000,000 TDC A/S	07/03/2014	14,256,000.00	-	14,256,000
4.	629	DW CONSTRUCTION, INC.) RETIREMENT PLAN	3,300,000 TDC A/S	07/03/2014	1,960,200.00	<u> </u>	1,960,200
5.	632	KAMCO INVESTMENTS, INC. PENSION PLAN	2,000,000 TDC A/S	07/03/2014	1,188,000.00	=	1,188,000
6.	634	LINDEN ASSOCIATES DEFINED BENEFIT PLAN	2,150,000 TDC A/S	07/03/2014	1,277,100.00	-	1,277,100
7.	637	NEWSONG FELLOWSHIP CHURCH 401 (K) PLAN	2,500,000 TDC A/S	07/03/2014	1,485,000.00	=	1,485,000
8.	640	RIVERSIDE ASSOCIATES DEFINED BENEFIT PLAN	2,150,000 TDC A/S	07/03/2014	1,277,100.00	_	1,277,100 1,306,800 4,752,000
9.	<u>646</u>	THE GOLDSTEIN LAW GROUP PC 401(K) PROFIT SHARING PLAN	2,200,000 TDC A/S	07/03/2014	1,306,800.00	-	1,306,800
10.	659	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	8,000,000 TDC A/S	07/03/2014	4,752,000.00	=	4,752,000
11.	698	AMERICAN INVESTMENT GROUP OF NEW YORK, L.P. PENSION PLAN	3,500,000 Novo Nordisk A/S - B	21/03/2014	4,252,500.00	=	4,252,500
12.	699	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	2,600,000 Novo Nordisk A/S - B	21/03/2014	3,159,000.00	=	3,159,000

A	<u>B</u>	<u>C</u>	<u>D</u>	E	<u>F</u>	<u>G</u>	H	
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)	
13.	700	DW CONSTRUCTION, INC. RETIREMENT PLAN	2,000,000 Danske Bank A/S	19/03/2014)	1,080,000.00	=	(1,080,000)	
14.	701	DW CONSTRUCTION, INC. RETIREMENT PLAN	3,850,000 Novo Nordisk A/S - B	21/03/2014)	4,677,750.00	_	4,677,750	
15.	702	FEDERATED LOGISTICS LLC 401(K) PLAN	16,500,000 Danske Bank A/S	19/03/2014	8,910,000.00	=	8,910,000	
16.	703	FEDERATED LOGISTICS LLC 401(K) PLAN	10,000,000 Novo Nordisk A/S - B	21/03/2014	12,150,000.00	=	12,150,000	
17.	704	KAMCO INVESTMENTS, INC. PENSION PLAN	2,000,000 Danske Bank A/S	19/03/2014	1,080,000.00	-	1,080,000	
18.	705	KAMCO INVESTMENTS, INC. PENSION PLAN	2,000,000 Novo Nordisk A/S - B	21/03/2014	2,430,000.00	=	2,430,000	
19.	<u>706</u>	KAMCO LP PROFIT SHARING PENSION PLAN	7,375,000 Danske Bank A/S	19/03/2014	3,982,500.00	=	3,982,500	
20.	708	LINDEN ASSOCIATES DEFINED BENEFIT PLAN	2,000,000 Danske Bank A/S	19/03/2014	1,080,000.00	=	1,080,000	
21.	709	LINDEN ASSOCIATES DEFINED BENEFIT PLAN	2,000,000 Novo Nordisk A/S - B	21/03/2014	2,430,000.00	=	2,439,000	
22.	710	MOIRA ASSOCIATES LLC 401 (K) PLAN	2,000,000 Danske Bank A/S	19/03/2014	1,080,000.00	-	1.089,000	
23.	711	MOIRA ASSOCIATES LLC 401 (K) PLAN	3,150,000 Novo Nordisk A/S - B	21/03/2014	3,827,250.00	=	3,827,250	
24.	712	NEWSONG FELLOWSHIP CHURCH 401 (K) PLAN	2,000,000 Danske Bank A/S	19/03/2014	1,080,000.00	-	1,080,000	
25.	713	RIVERSIDE ASSOCIATES DEFINED BENEFIT PLAN	2,000,000 Danske Bank A/S	19/03/2014	1,080,000.00	=	1,080,000	

A	<u>B</u>	<u>C</u>	D	E	<u>F</u>	G	<u>H</u>
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)
26.	714	RIVERSIDE ASSOCIATES DEFINED	2,000,000	21/02/2014	2 420 000 00		2,430,000
		BENEFIT PLAN	Novo Nordisk A/S - B	21/03/2014	2,430,000.00	=	
27.	715	THE GOLDSTEIN LAW GROUP PC 401(K) PROFIT SHARING PLAN	2,000,000 Danske Bank A/S	19/03/2014	1,080,000.00	-	1,080,000
28.	716	THE GOLDSTEIN LAW GROUP PC 401(K) PROFIT SHARING PLAN	2,000,000 Novo Nordisk A/S - B	21/03/2014	2,430,000.00	=	2,430,000
29.	829	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	350,000 Tryg A/S	04/04/2014	2,551,500.00	=	2,551,500
30.	830	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	12,000 A.P. Møller Mærsk A/S - B	01/04/2014	4,536,000.00	=	4,536,000
31.	831	FEDERATED LOGISTICS LLC 401(K) PLAN	300,000 Tryg A/S	04/04/2014	2,187,000.00	=	2,187,000
32.	832	FEDERATED LOGISTICS LLC 401(K) PLAN	18,000 A.P. Møller Mærsk A/S - B	01/04/2014	6,804,000.00	=	6,804,000
33.	843	DW CONSTRUCTION, INC. RETIREMENT PLAN	5,000 A.P. Møller Mærsk A/S - B	01/04/2014	1,890,000.00	-	1,890,000
34.	844	KAMCO LP PROFIT SHARING PENSION PLAN	5,000 A.P. Møller Mærsk A/S - B	01/04/2014	1,890,000.00	=	1,890,000
35.	845	LINDEN ASSOCIATES DEFINED BENEFIT PLAN	175,000 Tryg A/S	04/04/2014	1,275,750.00	=	1,25,750
36.	846	MOIRA ASSOCIATES LLC 401 (K) PLAN	225,000 Tryg A/S	04/04/2014	1,640,250.00	=	1,640,250
37.	847	MOIRA ASSOCIATES LLC 401 (K) PLAN	5,000 A.P. Møller Mærsk A/S - B	01/04/2014	1,890,000.00		1,890,000
38.	848	NEWSONG FELLOWSHIP CHURCH 401 (K) PLAN	225,000 Tryg A/S	04/04/2014	1,640,250.00	=	1,640,250

A	B	<u>C</u>	<u>D</u>	E	<u>F</u>	<u>G</u>	<u>H</u>	
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)	
39.	849	RIVERSIDE ASSOCIATES DEFINED	175,000				SE POR SELECTIONS	
		BENEFIT PLAN	Tryg A/S	04/04/2014	1,275,750.00	=	1,275,750	
40.	850	TVETER LLC PENSION PLAN	1,000,000 TDC A/S	07/03/2014	594,000.00	_	594,000	
41.	<u>851</u>	TVETER LLC PENSION PLAN	390,000 Danske Bank A/S	19/03/2014	210,600.00	_	210,600	
42.	852	TVETER LLC PENSION PLAN	225,000 Novo Nordisk A/S - B	21/03/2014	273,375.00	_	273,375	
43.	853	TVETER LLC PENSION PLAN	800 A.P. Møller Mærsk A/S - B	01/04/2014	302,400.00	_	302,400	
44.	854	TVETER LLC PENSION PLAN	100,000 Tryg A/S	04/04/2014	729,000.00	-	729,000	
45.	1092	ACORN CAPITAL STRATEGIES LLC EMPLOYEE PENSION PROFIT SHARING PLAN & TRUST	20,000 A.P. Møller Mærsk A/S - B	01/04/2014	7,560,000.00	-	7,560,000	
46.	1093	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	5,000,000 Danske Bank A/S	19/03/2014	2,700,000.00	_	2,700,000	
47.	1094	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	612,500 Tryg A/S	04/04/2014	4,465,125.00	-	4,465,725	E PER CONTROL
48.	1095	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	20,000 A.P. Møller Mærsk A/S - B	01/04/2014	7,560,000.00	=	7,560,000	SUIL DING
49.	1096	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	2,000,000 Novo Nordisk A/S - B	21/03/2014	2,430,000.00	_	2,430,800	
50.	1163	LINDEN ASSOCIATES DEFINED BENEFIT PLAN	322,500 Dampskibsselskabet Norden A/S	24/04/2014	435,375.00	Ξ	435,375	

A	<u>B</u>	<u>C</u>	D	<u>E</u>	<u>F</u>	<u>G</u>	H	
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)	
51.	1164	RIVERSIDE ASSOCIATES DEFINED BENEFIT PLAN	322,500 Dampskibsselskabet Norden A/S	24/04/2014	435,375.00	-	435,375	
52.	1165	THE GOLDSTEIN LAW GROUP PC 401(K) PROFIT SHARING PLAN	215,000 Dampskibsselskabet Norden A/S	24/04/2014	290,250.00	_	290,250	
53.	1166	TVETER LLC PENSION PLAN	240,000 Dampskibsselskabet Norden A/S	24/04/2014	324,000.00	=	324,000	
54.	1391	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	425,000 Dampskibsselskabet Norden A/S	24/04/2014	573,750.00	=	573,750	
55.	1508	DEL MAR ASSET MANAGEMENT SAVING & RETIREMENT PLAN	3,000,000 Coloplast A/S - B	09/05/2014	3,240,000.00	=	3,240,000	
56.	<u>1510</u>	DW CONSTRUCTION, INC. RETIREMENT PLAN	(1,300,000) (Coloplast A/S - B)	09/05/2014	1,404,000.00	=	1,404,000	T.
57.	1511	FEDERATED LOGISTICS LLC 401(K) PLAN	1,300,000 Coloplast A/S - B	09/05/2014	1,404,000.00	2	1,404,000	
58.	1513	KAMCO INVESTMENTS, INC. PENSION PLAN	1,300,000 Coloplast A/S - B	09/05/2014	1,404,000.00	=		2
59.	1520	LINDEN ASSOCIATES DEFINED BENEFIT PLAN	850,000 Coloplast A/S - B	09/05/2014	918,000.00	=	918,990	
60.	1525	RIVERSIDE ASSOCIATES DEFINED BENEFIT PLAN	850,000 Coloplast A/S - B	09/05/2014	918,000.00	=	918,000	
61.	1537	TVETER LLC PENSION PLAN	115,000 Coloplast A/S - B	09/05/2014	124,200.00	:	124,200	

A	В	<u>C</u>	D	E	<u>F</u>	<u>G</u>	H
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)
62.	1583	CAMBRIDGE WAY LLC 401K	2,850,000				
		PROFIT SHARING PLAN	Coloplast A/S - B	09/05/2014	3,078,000.00	3	3,078,000
63.	1945	NEWSONG FELLOWSHIP CHURCH	50,000				
		401 (K) PLAN	IC Group A/S	25/09/2014	40,500.00	10 —	40,500
64.	2064	AMERICAN INVESTMENT GROUP	750,000				
		OF NEW YORK, L.P. PENSION PLAN	Novozymes A/S - B	26/02/2015	607,500.00	=	607,500
			A A A A A A A A A A A A A A A A A A A			<u>Total</u>	161,586,900



## Annex E: Schedule 2 – incorrect Tax Vouchers

<u>A</u>	<u>B</u>	<u>C</u>	D	E	F	<u>G</u>	H
	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)
1.	<u>527</u>	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	2,000,000 Coloplast A/S - B	06/12/2013	3,780,000.00	2,835,000	945,000
2.	615	AMERICAN INVESTMENT GROUP OF NEW YORK, L.P. PENSION PLAN	5,000,000 TDC A/S	07/03/2014	2,970,000.00	1,782,000	1,188,000
3.	617	AUTOPARTS PENSIONS GROUP TRUST	3,705,000 TDC A/S	07/03/2014	2,200,771.00	1,525,037	675,734
4.	620	BLUEGRASS INVESTMENT MANAGEMENT, LLC RETIREMENT PLAN	4,248,000 TDC A/S	07/03/2014	2,523,312.00	1,815,264	708,048
5.	621	BLUEGRASS RETIREMENT GROUP TRUST	1,610,000 TDC A/S	07/03/2014	956,340.00	716,958	239,382
6.	623	CASTING PENSIONS GROUP TRUST	3,402,400 TDC A/S	07/03/2014	2,021,025.60	1,543,628	477,398
7.	624	CENTRAL TECHNOLOGIES PENSIONS GROUP TRUST	1,570,000 TDC A/S	07/03/2014	932,580.00	700,920	231,660
8.	631	INDUSTRIAL PENSIONS GROUP TRUST	3,713,200 TDC A/S	07/03/2014	2,205,640.80	1,515,947	231,660 689,693 1, 88,000 2,376,000
9.	<u>633</u>	KAMCO LP PROFIT SHARING PENSION PLAN	5,000,000 TDC A/S	07/03/2014	2,970,000.00	1,782,000	1, 88,000
10.	636	MOIRA ASSOCIATES LLC 401 (K) PLAN	6,000,000 TDC A/S	07/03/2014	3,564,000.00	1,188,000	2,376,000
11.	642	SV HOLDINGS, LLC RETIREMENT PLAN	3,073,200 TDC A/S	07/03/2014	1,825,480.80	1,131,332	694,148
12.	644	TEW ENTERPRISES, LLC RETIREMENT PLAN	4,569,000 TDC A/S	07/03/2014	2,713,986.00	2,040,390	673,596

A	<u>B</u>	C	D	E	<u>F</u>	<u>G</u>	H
d	Schedule 1 reference	Pension Plan	Shareholding	Ex Date	Withheld dividend tax (DKK)	Withheld dividend tax entitlement (DKK)	Amount of overpayment by SKAT (DKK)
13.	645	TEW, LP RETIREMENT PLAN	4,959,200 TDC A/S	07/03/2014	2,945,764.80	1,989,425	956,340
14.	658	CAMBRIDGE WAY LLC 401K PROFIT SHARING PLAN	7,900,000 Novozymes A/S - B	27/02/2014	5,332,500.00	877,500	4,455,000
15.	697	AMERICAN INVESTMENT GROUP OF NEW YORK, L.P. PENSION PLAN	7,750,000 Danske Bank A/S	19/03/2014	4,185,000.00	1,620,000	2,565,000
16.	707	KAMCO LP PROFIT SHARING PENSION PLAN	4,400,000 Novo Nordisk A/S - B	21/03/2014	5,346,000.00	1,093,500	4,252,500
				•		<u>Total</u>	22,315,499



Amended by Order of The Honourable Mr Justice Teare dated 6 March 2019 (as varied by Order of The Honourable Mrs Justice Cockerill dated 20 May 2019)

Claim Nos.: CL-2018-000297; CL-2018-000404; CL-2018-000590 IN THE HIGH COURT OF JUSTICE

**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES** 

**COMMERCIAL COURT** 

BETWEEN:

SKAT
(THE DANISH CUSTOMS AND TAX ADMINISTRATION)

<u>Claimant</u>

- and -

ED&F MAN CAPITAL MARKETS LIMITED AND OTHERS

Defendants

## AMENDED DEFENCE

Rosenblatt 9-13 St Andrew Street London EC4A 3AF Tel: (020) 7955 0880

Fax: (020) 7955 0888 DX: LDE 493

Solicitor's Ref: TS/ASF/EDF/1/57